

<p align="center"><b>Major Differences Between Federal and State Anti-discrimination Laws enforced by THRC &amp; EEOC</b></p>
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<b>EMPLOYMENT</b>	
<b>State (Tennessee Human Rights Commission)</b>	<b>Federal (U.S. Equal Employment Opportunity Commission)</b>
<p><b>Laws Enforced by the THRC</b></p> <ul style="list-style-type: none"> <li><i>TN Human Rights Act - T.C.A. §4-21-101 et seq. (THRA)</i></li> <li><i>TN Disability Act - T.C.A. §8-50-103 (TDA)</i></li> </ul>	<p><b>Laws Enforced by the EEOC</b></p> <ul style="list-style-type: none"> <li><i>Title VII of the Civil Rights Act of 1964 (42 USC 2000e et seq.)</i></li> <li><i>Age Discrimination in Employment Act of 1967 (ADEA) (29 U.S.C. 621 et seq.)</i></li> <li><i>Titles I of the Americans with Disabilities Act of 1990 (ADA) 42 U.S.C. 12101 et seq.</i></li> <li><i>Americans with Disabilities Act Amendments Act of 2008</i></li> <li><i>Pregnancy Discrimination Act</i></li> <li><i>Rehabilitation Act of 1973, §§ 501 and 505</i></li> <li><i>Equal Pay Act of 1963</i></li> <li><i>The Genetic Information Nondiscrimination Act of 2008 (GINA)</i></li> </ul>
<b>Protected Classes</b>	
<p><b>THRA:</b> race, color, religion, sex, age (over 40), national origin, <i>creed</i>  <b>TDA:</b> Disability</p>	<p><b>Title VII:</b> race, color, religion, sex, national origin  <b>ADEA:</b> Age (over 40)  <b>ADA:</b> Disability</p>
<b>Employers: Number of Employees</b>	
<ul style="list-style-type: none"> <li><b>THRA:</b> Covers employers with 8 or more employees.</li> <li><b>Retaliation, Disability (TDA):</b> Number of employees required is not defined. (presumably 1 or more)</li> </ul>	<ul style="list-style-type: none"> <li><b>Title VII, ADA:</b> Covers employers with 15 or more employees.</li> <li><b>ADEA:</b> Covers employers with 20 or more employees.</li> </ul>
<b>Statute of Limitations to file an Administrative Complaint</b>	
<p>The complaint must be filed within one hundred eighty (180) days <i>after</i> the commission of the alleged discriminatory practice.</p>	<p>Generally, in Tennessee, 300 days to file with EEOC, but check specific statute.</p>

Accommodations	
<ul style="list-style-type: none"> <li><b>THRA &amp; TDA:</b> Accommodations in religion &amp; disability are NOT covered.</li> </ul>	<ul style="list-style-type: none"> <li><b>Title VII &amp; ADA:</b> Accommodations in religion &amp; disability are covered.</li> </ul>
Going to Court	
<ul style="list-style-type: none"> <li><b>THRA &amp; TDA:</b> Complainant can sue directly in state court, or THRC can administratively enforce. <i>Cannot do both at the same time.</i></li> <li>Complaint with THRC does not toll the statute of limitations.</li> <li>File in chancery or circuit court 1 year after the alleged discriminatory practice ceases</li> </ul>	<ul style="list-style-type: none"> <li><b>Title VII, ADA:</b> Must file with EEOC before filing in court. Complainant must bring a private suit 90 days <u>after</u> receipt of EEOC Notice of Right to Sue.</li> <li><b>ADEA:</b> Can go straight to court after complaint has been on file with EEOC for 60 days.</li> </ul>
Damages	
<p><b>THRA, TDA:</b></p> <ul style="list-style-type: none"> <li>No cap on damages.</li> <li>No punitive damages, but damages for embarrassment, humiliation.</li> <li>Attorney's fees.</li> <li>Violation of TDA = Class C misdemeanor.</li> <li>Malicious Harassment: civil action: TCA § 4-21-701: emotional distress, reasonable attorney's fees, costs, and punitive damages.</li> </ul>	<p><b>Title VII, ADA:</b></p> <ul style="list-style-type: none"> <li>Damages are capped (per individual) at a maximum of \$300,000 based on the size of the employer: 15-100 employees: \$50,000; 101-200 employees: \$100,000; 201-500 employees: \$200,000; 501+ employees: \$300,000.</li> <li>Punitive – allowed if employer acted intentionally with “malice or reckless indifference.”</li> <li>Attorney's fees.</li> </ul> <p><b>ADEA:</b></p> <ul style="list-style-type: none"> <li>No cap. No compensatory or punitive damages, but liquidated damages are given where a willful violation occurs.</li> <li>Attorney's fees.</li> </ul>